

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

December 8, 2006

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

KAUAI

Consent to Assign General Lease No. S-5023, Ted K. Blake and Edward H. Schimmelfenning, Assignors, to Waiyee Carmen Wong and Samuel R. Blair, Assignees, Waimea, Kauai, Tax Map Key: (4) 1-4-3:17.

APPLICANT:

Ted K. Blake and Edward H. Schimmelfenning, as Assignor, to Waiyee Carmen Wong and Samuel R. Blair, husband and wife, as tenants by the entirety, whose mailing address is 2107 SW Market St. Dr. Portland, Or, 97201, as Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kokee Camp Site Lots situated at Waimea, Kauai, identified by Tax Map Key: (4) 1-4-3:17, as shown on the attached map labeled Exhibit A.

AREA:

.58 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES \_\_\_\_\_ NO   x  

CHARACTER OF USE:

Solely for recreation-residence purposes and not as a principal residence for a single family purposes.

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TERM OF LEASE:

20 years, commencing on January 1, 1986 and expiring on December 31, 2005. One-year holdover began January 1, 2006 and expires on December 31, 2006.

ANNUAL RENTAL:

\$4,620.

CONSIDERATION:

\$15,000.

RECOMMENDED PREMIUM:

The premium was not addressed because the lease expires on December 31, 2006.

DCCA VERIFICATION:

Not applicable. Assignors and Assignees are individuals.

REMARKS:

The Department conducted a public auction on July 23, 24, and 25, 1985 of 111 recreation-residence leases at Kokee Camp Site Lots and Puu Ka Pele. General Lease No. S-5023 was issued effective January 1, 1986. The Land Board on December 12, 2003 under agenda Item D-38, approved and amended staff's recommendation to grant one (1) year holdovers to various leases at Kokee Camp Site and Puu Ka Pele Park Lots. The holdover expires on December 31, 2006.

No reason has been given for the assignment. Blair and Wong are parties to the lawsuit alleging, among other things, an unconstitutional taking by the Land Board. The Department of Attorney General is seeking approval of the assignment to clarify the issue of ownership for the case and for purposes of issuing a revocable permit. Assignee is aware that the lease and holdover expire on December 31, 2006. Approval of this assignment is procedural and is not intended to affect any issues in the litigation. No analysis of leasehold premium was undertaken because of the limited time remaining on the lease and holdover.

Lessees are currently in compliance with all lease terms and conditions. In the past 2 years, 2 Notice of Default letters were issued. The files indicate: (1) a letter dated February 17, 2005 for non-payment of \$4,620 in rent, and payment was received on March 15, 2005; (2) a letter dated August 3, 2004 for non-payment of \$389.18 in rent, and payment was received on November 23, 2004; and a letter dated January 23, 2004 for not posting the required liability insurance, and an appropriate insurance certificate was received on June 29, 2004.

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Assignees have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

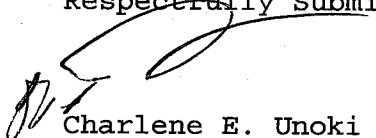
There is no outstanding rental reopenings. No agency or community comments were solicited. There are no pertinent issues or concerns.

RECOMMENDATION:

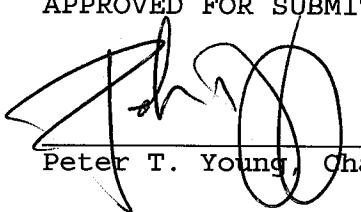
That the Board consent to the assignment of General Lease No. S-5023, Ted K. Blake and Edward H. Schimmelfenning, as Assignors, to Waiyee Carmen Wong and Samuel R. Blair, as Assignees, subject to the following:

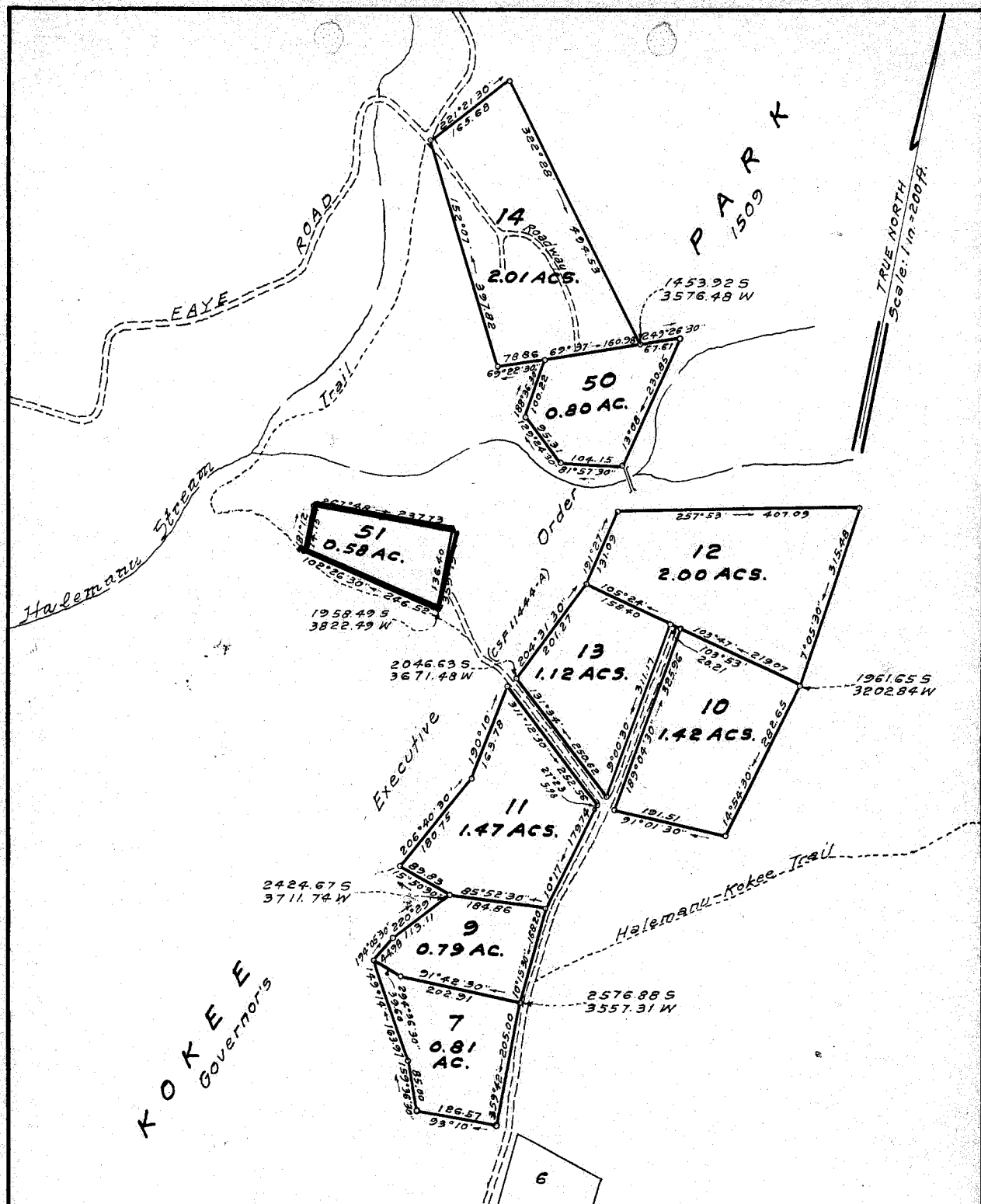
1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
Charlene E. Unoki  
Assistant Administrator

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Peter T. Young, Chairperson



**EXHIBIT " 7 "**

**KOKEE CAMP SITE LOTS**  
**LOTS 7, 9, 10, 11, 12, 13, 14, 50 AND 51**  
Waimea, (Kona) Kauai, Hawaii.  
Scale: 1 inch = 200 feet

JOB K-3626  
C. BK

All corners marked with pipes  
Coordinates referred to KOKEE A

TAX MAP 1-4-04  
KAUAI FILE  
FOLDER 3

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

AT Nov. 2, 1966